

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff(s),                 )  
                                )  
vs.                             )                              Case No. 4:09CR509 JCH  
                                )  
RANDALL SUTTON, SHARON     )  
NEKOL PROVINCE, JAMES       )  
DOUGLAS CASSITY, BRENT      )  
DOUGLAS CASSITY, HOWARD A.   )  
WITTNER, and DAVID R. WULF,   )  
                                )  
Defendant(s).                 )

**ORDER**

This matter is before the Court on Defendants' Joint Motion to Sever Counts 49 and 50 of the Second Superseding Indictment (ECF No. 258), and Combined Defendants' Motion to Sever Counts and Defendants (ECF Nos. 262, 271). Pursuant to 28 U.S.C. § 636(b), this matter was referred to United States Magistrate Judge Thomas C. Mummert, III, who filed a Report and Recommendation on January 17, 2012. (ECF No. 331). Magistrate Judge Mummert recommended that the Court deny Defendants' motions. Defendants submitted objections to Magistrate Judge Mummert's recommendation on April 5, 2012. (ECF No. 354).

After de novo review of the entire record in this matter, the Court adopts the Magistrate Judge's recommendation that Defendants' motions be denied.

Accordingly,

**IT IS HEREBY ORDERED** that the Report and Recommendation of the United States Magistrate Judge (ECF No. 331) is **SUSTAINED, ADOPTED, AND INCORPORATED** herein.

**IT IS FURTHER ORDERED** that Defendants' Joint Motion to Sever Counts 49 and 50 of the Second Superseding Indictment (ECF No. 258) is **DENIED**.

**IT IS FURTHER ORDERED** that Combined Defendants' Motion to Sever Counts and Defendants (ECF Nos. 262, 271) is **DENIED**.

Dated this 24th day of May, 2012.

/s/ Jean C. Hamilton  
UNITED STATES DISTRICT JUDGE